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OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P.  
1940 DUKE STREET  
ALEXANDRIA, VA 22314

EXAMINER
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PEPITONE, MICHAEL F

ART UNIT	PAPER NUMBER
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1767

NOTIFICATION DATE	DELIVERY MODE
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12/13/2010

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

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**BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES**

Application Number: 10/572,944  
Filing Date: October 13, 2006  
Appellant(s): FRINGANT ET AL.

RICHARD L. TREANOR  
For Appellant

**EXAMINER'S ANSWER**

This is in response to the appeal brief filed 9/23/10 appealing from the Office action mailed 4/28/10.

**(1) Real Party in Interest**

The examiner has no comment on the statement, or lack of statement, identifying by name the real party in interest in the brief.

**(2) Related Appeals and Interferences**

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

**(3) Status of Claims**

The following is a list of claims that are rejected and pending in the application:

Claims 13, 15, 16, 21-23, 26, 28, and 36-47 are rejected {Final Rejection mailed 4/28/10}.

**(4) Status of Amendments After Final**

The examiner has no comment on the appellant's statement of the status of amendments after final rejection contained in the brief.

**(5) Summary of Claimed Subject Matter**

The examiner has no comment on the summary of claimed subject matter contained in the brief.

**(6) Grounds of Rejection to be Reviewed on Appeal**

The examiner has no comment on the appellant's statement of the grounds of rejection to be reviewed on appeal. Every ground of rejection set forth in the Office action from which the appeal is taken (as modified by any advisory actions) is being maintained by the examiner except for the grounds of rejection (if any) listed under the subheading "WITHDRAWN

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REJECTIONS.” New grounds of rejection (if any) are provided under the subheading “NEW GROUNDS OF REJECTION.”

**(7) Claims Appendix**

The examiner has no comment on the copy of the appealed claims contained in the Appendix to the appellant’s brief.

**(8) Evidence Relied Upon**

EP 0185464	PADGET et al.	6-1986
2,971,948	DENK et al.	2-1961
6,599,972	THAMES et al.	7-2003
6,365,769	BEHR et al.	4-2002

**(9) Grounds of Rejection**

The following ground(s) of rejection are applicable to the appealed claims:

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out

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the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 13, 15-16, 21-23, 26, 28 and 44-45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Padget *et al.* (EP 0185464) in view of Denk *et al.* (US 2,971,948).

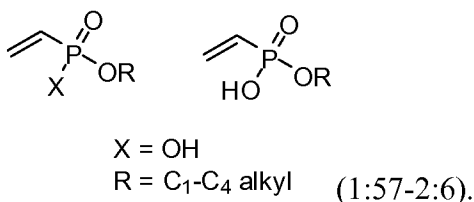
Regarding claims 13, 15-16, 28, and 44-45: Padget *et al.* teaches a copolymer composition (pg. 1, ln. 1-5; pg. 7, ln. 1-11) comprising copolymer A {corresponding to P1} (pg. 5, ln. 28-35; pg. 8, ln. 11-30) and copolymer B {corresponding to O1} (pg. 6, ln. 7-11; pg. 10, ln. 11-25); wherein copolymer A comprises 27.2% vinylidene chloride {corresponding to M1}, 70.8% n-butyl acrylate, and 2.0% acrylic acid (pg. 24; Table 1, for use in ex. 15), and has a molecular weight (pg. 5, ln. 1-16) ( $M_p$ ) of 114,898; copolymer B comprises 59.4% vinylidene chloride {corresponding to A, M1}, 5.1% n-butyl acrylate, 33.5 methyl methacrylate, and 2.0% acrylic acid (pg 26; Table 3, for use in ex. 15) and has a molecular weight ( $M_p$ ) (pg. 5, ln. 1-16) of 19,171.

Padget *et al.* teaches a copolymer composition copolymer A comprises 27.2% vinylidene chloride, 70.8% n-butyl acrylate, and 2.0% acrylic acid (pg. 24; Table 1, for use in ex. 15), and has a molecular weight ( $M_p$ ) of 114,898. The preferred embodiment does not disclose at least 50 wt% of vinylidene chloride. However, preferred compositions of Copolymer A can comprise 10 to 70 wt% of vinylidene chloride (8:11-13). Therefore, it would have been obvious to one having skill in the art to have utilized up to 70 wt% of vinylidene chloride and would have been motivated to do so since Padget *et al.* teaches up to 70 wt% vinylidene chloride can be employed to provide a  $T_g$  in the range of -50 to  $<0$  °C (pg. 8, ln. 1-15).

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Padget *et al.* teaches copolymer B can include adhesion promoting functionalities {acid} (pg. 15, ln. 12-25).

Padget *et al.* does not teach the copolymer B comprising a monomeric unit containing a phosphonate group. However, Denk *et al.* teaches vinylidene chloride copolymers (1:16-17; 1:67-2:6) comprising vinyl phosphonic acids (1:57-70) as adhesion promoters {corresponding to m2} (2:7-8)



Padget *et al.* and Denk *et al.* are analogous art because they are concerned with a similar technical difficulty, namely the preparation of vinylidene chloride copolymers containing adhesion promoters. At the time of invention a person of ordinary skill in the art would have found it obvious to have combined vinyl phosphonic acids, as taught by Denk *et al.* in the invention of Padget *et al.*, and would have been motivated to do so since Denk *et al.* suggests that such vinyl phosphonic acids provide copolymers which adhere extremely well to metal surfaces (2:7-8).

Regarding claims 21: Padget *et al.* teaches blends of copolymers A and B in an aqueous dispersion (pg. 27, ln. 5-25)

Regarding claims 22-23: Padget *et al.* teaches a contact adhesive (pg. 1, ln. 1-16) is coated onto a polymer surface (pg. 4, ln. 12-21; pg. 21, ln. 21-29).

Regarding claim 26: Padget *et al.* teaches a contact adhesive (pg. 1, ln. 1-16) is coated onto a substrate (pg. 4, ln. 12-21; pg. 21, ln. 21-29) and is allowed to dry.

Claims 36-43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Padget *et al.* (EP 0185464) in view of Thames *et al.* (US 6,599,972).

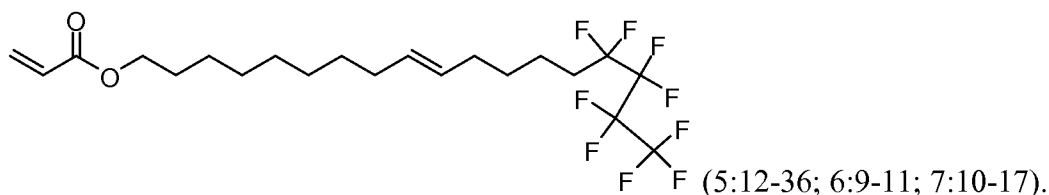
Regarding claims 36-38, 43: Padget *et al.* teaches a copolymer composition (pg. 1, ln. 1-5; pg. 7, ln. 1-11) comprising copolymer A {corresponding to P1} (pg. 5, ln. 28-35; pg. 8, ln. 11-30) and copolymer B {corresponding to O1} (pg. 6, ln. 7-11; pg. 10, ln. 11-25); wherein copolymer A comprises 27.2% vinylidene chloride {corresponding to M1}, 70.8% n-butyl acrylate, and 2.0% acrylic acid (pg. 24; Table 1, for use in ex. 15), and has a molecular weight (pg. 5, ln. 1-16) ( $M_p$ ) of 114,898; copolymer B comprises 59.4% vinylidene chloride {corresponding to A, M1}, 5.1% n-butyl acrylate, 33.5 methyl methacrylate, and 2.0% acrylic acid (pg. 26; Table 3, for use in ex. 15) and has a molecular weight ( $M_p$ ) (pg. 5, ln. 1-16) of 19,171.

Padget *et al.* teaches a copolymer composition copolymer A comprises 27.2% vinylidene chloride, 70.8% n-butyl acrylate, and 2.0% acrylic acid (pg. 24; Table 1, for use in ex. 15), and has a molecular weight ( $M_p$ ) of 114,898. The preferred embodiment does not disclose at least 50 wt% of vinylidene chloride. However, preferred compositions of Copolymer A can comprise 10 to 70 wt% of vinylidene chloride (8:11-13). Therefore, it would have been obvious to one having skill in the art to have utilized up to 70 wt% of vinylidene chloride and would have been motivated to do so since Padget *et al.* teaches up to 70 wt% vinylidene chloride can be employed to provide a  $T_g$  in the range of -50 to  $<0$  °C (pg. 8, ln. 1-15).

Padget *et al.* teaches copolymer B can include internally plasticizing comonomers (pg. 11, ln. 15-pg. 12, ln. 9).

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Padget *et al.* does not teach the copolymer B comprising a monomeric unit containing a perfluoroalkyl moiety. However, Thames *et al.* teaches a latex composition for contact adhesives (abstract) comprising an ethylenically unsaturated internal plasticizer containing a perfluoroalkyl moiety {R<sub>2</sub>, R<sub>3</sub>, R<sub>4</sub>, R<sub>5</sub>, R<sub>6</sub>, R<sub>7</sub>, R<sub>8</sub>, R<sub>9</sub>, R<sub>10</sub>, R<sub>11</sub>, R<sub>12</sub> = H; R<sub>1</sub> = C<sub>5</sub>F<sub>11</sub> {ex. perfluorohexyl}}; a = 3; b = 1; c = 8; Z = -(CO)-O- (4:19-49; 5:12-36; 6:9-11; 6:24-26; 7:10-17)



Padget *et al.* and Thames *et al.* are analogous art because they are concerned with a similar technical difficulty, namely the preparation of internally plasticized latex based contact adhesives. At the time of invention a person of ordinary skill in the art would have found it obvious to have combined internal plasticizer containing a perfluoroalkyl moiety, as taught by Thames *et al.* in the invention of Padget *et al.*, and would have been motivated to do so since Thames *et al.* suggests that such internal plasticizer containing a perfluoroalkyl moiety provide self plasticized compositions with no subsequent VOC emissions (4:29-36).

Regarding claim 39: Padget *et al.* teaches blends of copolymers A and B in an aqueous dispersion (pg. 27, ln. 5-25)

Regarding claims 40-41: Padget *et al.* teaches a contact adhesive (pg. 1, ln. 1-16) is coated onto a polymer surface (pg. 4, ln. 12-21; pg. 21, ln. 21-29).

Regarding claims 42: Padget *et al.* teaches a contact adhesive (pg. 1, ln. 1-16) is coated onto a substrate (pg. 4, ln. 12-21; pg. 21, ln. 21-29) and is allowed to dry.



Claims 36-43 and 46-47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Padget *et al.* (EP 0185464) in view of Behr *et al.* (US 6,365,769).

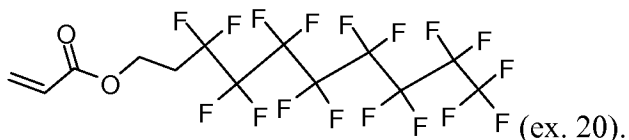
Regarding claims 36-38, 43, and 46-47: Padget *et al.* teaches a copolymer composition (pg. 1, ln. 1-5; pg. 7, ln. 1-11) comprising copolymer A {corresponding to P1} (pg. 5, ln. 28-35; pg. 8, ln. 11-30) and copolymer B {corresponding to O1} (pg. 6, ln. 7-11; pg. 10, ln. 11-25); wherein copolymer A comprises 27.2% vinylidene chloride {corresponding to M1}, 70.8% n-butyl acrylate, and 2.0% acrylic acid (pg. 24; Table 1, for use in ex. 15), and has a molecular weight (pg. 5, ln. 1-16) ( $M_p$ ) of 114,898; copolymer B comprises 59.4% vinylidene chloride {corresponding to A, M1}, 5.1% n-butyl acrylate, 33.5 methyl methacrylate, and 2.0% acrylic acid (pg. 26; Table 3, for use in ex. 15) and has a molecular weight ( $M_p$ ) (pg. 5, ln. 1-16) of 19,171.

Padget *et al.* teaches a copolymer composition copolymer A comprises 27.2% vinylidene chloride, 70.8% n-butyl acrylate, and 2.0% acrylic acid (pg. 24; Table 1, for use in ex. 15), and has a molecular weight ( $M_p$ ) of 114,898. The preferred embodiment does not disclose at least 50 wt% of vinylidene chloride. However, preferred compositions of Copolymer A can comprise 10 to 70 wt% of vinylidene chloride (8:11-13). Therefore, it would have been obvious to one having skill in the art to have utilized up to 70 wt% of vinylidene chloride and would have been motivated to do so since Padget *et al.* teaches up to 70 wt% vinylidene chloride can be employed to provide a  $T_g$  in the range of -50 to  $<0$  °C (pg. 8, ln. 1-15).

Padget *et al.* teaches the composition {aqueous latex} can include surfactants (pg. 21, ln. 12-20).

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Padget *et al.* does not teach the monomers of claims 46-47. However, Behr *et al.* teaches fluoroalkyl(meth)acrylates as polymerizable surfactants in emulsions containing vinylidene chloride (4:15-20; 6:12-47; 13:12-40; ex. 20), with a specific fluoroalkyl(meth)acrylates shown below (3,3,4,4,5,5,6,6,7,7,8,8,9,9,10,10,10-heptafluorodecyl acrylate):



Padget *et al.* and Behr *et al.* are analogous art because they are concerned with a similar technical difficulty, namely the preparation of vinylidene chloride emulsions containing surfactants. At the time of invention a person of ordinary skill in the art would have found it obvious to have combined fluoroalkyl(meth)acrylates surfactants, as taught by Behr *et al.* in the invention of Padget *et al.*, and would have been motivated to do so since Behr *et al.* suggests that such fluoroalkyl(meth)acrylates are useful in improving or imparting properties to solutions and substrates such as wetting, penetration, spreading, emulsification, and flow properties (4:15-25).

Regarding claim 39: Padget *et al.* teaches blends of copolymers A and B in an aqueous dispersion (pg. 27, ln. 5-25)

Regarding claims 40-41: Padget *et al.* teaches a contact adhesive (pg. 1, ln. 1-16) is coated onto a polymer surface (pg. 4, ln. 12-21; pg. 21, ln. 21-29).

Regarding claims 42: Padget *et al.* teaches a contact adhesive (pg. 1, ln. 1-16) is coated onto a substrate (pg. 4, ln. 12-21; pg. 21, ln. 21-29) and is allowed to dry.

**(10) Response to Argument**

Appellant's arguments filed 9/23/10 have been fully considered but they are not persuasive.

The rejection of claims 13, 15-16, 21-23, 26, 28, and 44-45 based upon Padget *et al.* (EP 0185464) and Denk *et al.* (US 2,971,948) is maintained for reason of record and following response.

Padget *et al.* (EP '464) discloses copolymer B {corresponding to O1} (pg. 6, ln. 7-11; pg. 10, ln. 11-25, pg 26; Table 3, for use in ex. 15) can include monomers having adhesion promoting functionalities {acid} to be used in conjunction with the ethylenically unsaturated acid {ex. acrylic acid} in an amount of 0 to 10 wt% (pg. 15, ln. 12-25). Padget *et al.* (EP '464) clearly discloses copolymer B for use in ex. 15 containing acrylic acid (AA), specifically copolymer B for ex. 15 contains 59.4% VDC {vinylidene chloride}, 5.1% BA {n-butyl acrylate}, 33.5% MMA {methyl methacrylate}, and 2.0% AA {acrylic acid} (pg 26; Table 3, for use in ex. 15) and has a molecular weight ( $M_p$ ) of 19,171.

Denk *et al.* (US '948) discloses vinylidene chloride copolymers (1:16-17; 1:67-2:6; 4:6-15) comprising vinyl phosphonic acids (1:57-70) as adhesion promoters (2:7-8). Denk *et al.* (US '948) clearly discloses copolymers containing vinyl chloride (1:70) and vinylidene chloride (2:1); i.e. a copolymer is synthesized from vinyl chloride, vinylidene chloride, and vinyl phosphonic acid (4:6-15) {substituting vinylidene chloride for vinyl acetate in Ex. 1 (3:5-19)}. Furthermore, Denk *et al.* (US '948) discloses the weight portion of vinyl chloride to vinylidene chloride is 95:5 to 5:95, indicating a substantial amount of vinylidene chloride {up to 95 wt%} may be employed in the composition (2:7-15; 4:5-15).

While the examples in Denk *et al.* (US '948) employ vinyl chloride and vinyl acetate copolymers {ex. 1-2; 3:5-4:4), Denk *et al.* (US '948) disclose the copolymer is a mixture of vinyl chloride and a vinyl monomer, such as vinylidene chloride, wherein the weight ratio of vinyl chloride to vinylidene chloride is 95:5 to 5:95 (2:7-15, 4:5-15). The reference must be considered for all that it discloses and must not be limited to preferred embodiments [see MPEP 2123].

In response to applicant's argument that Denk *et al.* (US '948) is nonanalogous art, it has been held that a prior art reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the applicant was concerned, in order to be relied upon as a basis for rejection of the claimed invention. See *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992) [see MPEP 2142]. In this case, Padget *et al.* (EP '464) and Denk *et al.* (US '948) are analogous art because they are concerned with a similar technical difficulty, namely the preparation of vinylidene chloride copolymers containing adhesion promoters.

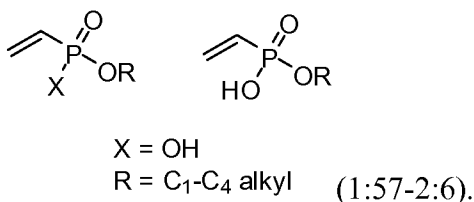
The Declaration under 37 CFR 1.132 filed 6/30/09 is insufficient to overcome the rejection of claims based upon Padget *et al.* (EP 0185464) and Denk *et al.* (US 2,971,948) as set forth in the last Office action because: In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347,

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21 USPQ2d 1941 (Fed. Cir. 1992) [see MPEP 2144]. In this case, Padget *et al.* (EP '464) discloses copolymer B (pg. 6, ln. 7-11; pg. 10, ln. 11-25, pg 26; Table 3, for use in ex. 15) can include monomers having adhesion promoting functionalities {acid} to be used in conjunction with the ethylenically unsaturated acid {ex. acrylic acid} in an amount of 0 to 10 wt% (pg. 15, ln. 12-25).

Appellant's argue that inventive examples 7-8 {see Appeal Brief, pg. 7} afford a coating having a specific coating performance, however, the specific formulations employed in ex. 7-8 represent specific polymer compositions and are not commensurate in scope with the breadth of compositions included in claim 13.

Regarding claims 44-45, Padget *et al.* (EP' 464) disclose copolymer B can include monomers having adhesion promoting functionalities {acid} to be used in conjunction with the ethylenically unsaturated acid {ex. acrylic acid} in an amount of 0 to 10 wt% (pg. 15, ln. 12-25). Denk *et al.* (US '948) teaches vinylidene chloride copolymers (1:16-17; 1:67-2:6) comprising vinyl phosphonic acids (1:57-70) as adhesion promoters {corresponding to m2} (2:7-8)

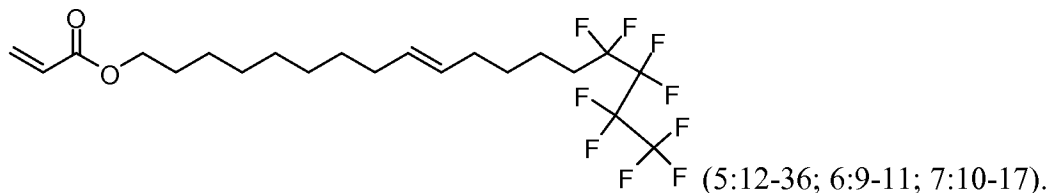


The rejection of claims 36-43 based upon Padget *et al.* (EP 0185464) and Thames *et al.* (US 6,599,972) is maintained for reason of record and following response.

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Padget *et al.* (EP '464) discloses copolymer B {corresponding to O1} (pg. 6, ln. 7-11; pg. 10, ln. 11-25, pg 26; Table 3, for use in ex. 15) can include internally plasticizing comonomers (pg. 11, ln. 15-pg. 12, ln. 9).

Thames *et al.* (US ;972) disclose a latex composition for contact adhesives (abstract) comprising an ethylenically unsaturated internal plasticizer containing a perfluoroalkyl moiety {R<sub>2</sub>, R<sub>3</sub>, R<sub>4</sub>, R<sub>5</sub>, R<sub>6</sub>, R<sub>7</sub>, R<sub>8</sub>, R<sub>9</sub>, R<sub>10</sub>, R<sub>11</sub>, R<sub>12</sub> = H; R<sub>1</sub> = C<sub>5</sub>F<sub>11</sub> {ex. perfluorohexyl}; a = 3; b = 1; c = 8; Z = -(CO)-O- (4:19-49; 5:12-36; 6:9-11; 6:24-26; 7:10-17)



At the time of invention a person of ordinary skill in the art would have found it obvious to have combined internal plasticizer containing a perfluoroalkyl moiety, as taught by Thames *et al.* in the invention of Padget *et al.*, and would have been motivated to do so since Thames *et al.* suggests that such internal plasticizer containing a perfluoroalkyl moiety provide self plasticized compositions with no subsequent VOC emissions (4:29-36). Additionally, Padget *et al.* (EP '464) discloses copolymer B can include internally plasticizing comonomers (pg. 11, ln. 15-pg. 12, ln. 9).

In response to applicant's argument that there is no teaching, suggestion, or motivation to combine the references, the examiner recognizes that obviousness may be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re*

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*Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988), *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992), and *KSR International Co. v. Teleflex, Inc.*, 550 U.S. 398, 82 USPQ2d 1385 (2007). In this case, Padget *et al.* teaches copolymer B can include internally plasticizing comonomers (pg. 11, ln. 15-pg. 12, ln. 9); and Thames *et al.* teaches a latex composition for contact adhesives (abstract) comprising an ethylenically unsaturated internal plasticizer containing a perfluoroalkyl moiety {see above}. One having skill in the art would have been motivated to use the internal plasticizers of Thames *et al.* as they provide self plasticized compositions with no subsequent VOC emissions (4:29-36), thereby affording an environmentally friendly latex composition.

Appellant's argue that inventive example 10 {see Appeal Brief, pg. 11} affords a coating having a specific coating performance, however, the specific formulation employed in ex. 10 represent a specific polymer composition and is not commensurate in scope with the breadth of compositions included in claim 36.

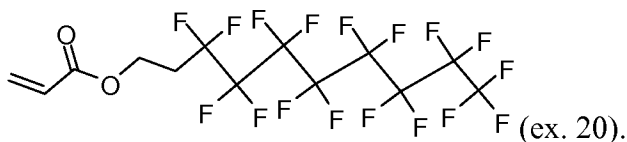
The rejection of claims 36-43 and 46-47 based upon Padget *et al.* (EP 0185464) and Behr *et al.* (US 6,365,769) is maintained for reason of record and following response.

Applicants' arguments regarding Padget *et al.* (EP '464) have been sufficiently addressed above. Additionally, Padget *et al.* (EP '464) disclose the composition {aqueous latex} can include surfactants (pg. 21, ln. 12-20).

Behr *et al.* (US '769) disclose fluoroalkyl(meth)acrylates as polymerizable surfactants in emulsions containing vinylidene chloride (4:15-20; 6:12-47; 13:12-40; ex. 20), with a specific

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fluoroalkyl(meth)acrylates shown below (3,3,4,4,5,5,6,6,7,7,8,8,9,9,10,10,10-heptafluorodecyl acrylate):

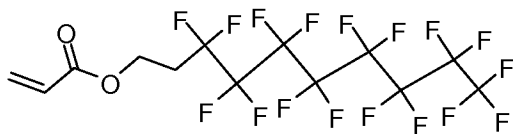


In response to applicant's argument that there is no teaching, suggestion, or motivation to combine the references, the examiner recognizes that obviousness may be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988), *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992), and *KSR International Co. v. Teleflex, Inc.*, 550 U.S. 398, 82 USPQ2d 1385 (2007). In this case, Behr *et al.* (US 6,365,769) teaches fluoroalkyl(meth)acrylates as polymerizable surfactants in emulsions containing vinylidene chloride and suggests fluoroalkyl(meth)acrylates are useful in improving or imparting properties to solutions and substrates such as wetting, penetration, spreading, emulsification, and flow properties (4:15-25); Padget *et al.* (EP '464) disclose the composition {aqueous latex} can include surfactants (pg. 21, ln. 12-20).

Regarding 46-47, Padget *et al.* (EP '464) disclose the composition {aqueous latex} can include surfactants (pg. 21, ln. 12-20); Behr *et al.* (US '769) disclose fluoroalkyl(meth)acrylates as polymerizable surfactants in emulsions containing vinylidene chloride (4:15-20; 6:12-47; 13:12-40; ex. 20), with a specific fluoroalkyl(meth)acrylates shown below (3,3,4,4,5,5,6,6,7,7,8,8,9,9,10,10,10-heptafluorodecyl acrylate):



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(ex. 20); such fluoroalkyl(meth)acrylates are useful in improving or imparting properties to solutions and substrates such as wetting, penetration, spreading, emulsification, and flow properties (4:15-25).

### **(11) Related Proceeding(s) Appendix**

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Michael Pepitone  
/M. P./  
Examiner, Art Unit 1767

Mark Eashoo, SPE 1767  
/ME/

Conferees:  
Mark Eashoo, SPE 1767  
/Mark Eashoo/  
Supervisory Patent Examiner, Art Unit 1767

/Anthony McFarlane/